

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCESCA RAMIREZ-BENITO,

Defendant.

CASE NO. 8:11CR354

**MEMORANDUM
AND ORDER**

This matter is before the Court on the July 2, 2012, hearing held before me upon the Defendant's return to this District after her mental evaluation performed through the Bureau of Prisons.

On February 29, 2012, I granted defense counsel's request for a mental evaluation of the Defendant through the Bureau of Prisons. A written order included an exclusion of speedy trial, pending the determination of competency. (Filing No. 30.) On July 2, 2012, I held a competency hearing and found the Defendant competent to stand trial and assist in her defense. I supplement that conclusion now in writing, and find the following by a preponderance of the evidence: the Defendant, Francesca Ramirez-Benito, is not "presently suffering from a mental disease or defect rendering [her] mentally incompetent to the extent that [she] is unable to understand the nature and consequences of the proceedings against [her] or to assist properly in [her] defense." 18 U.S.C. § 4241(d). In short, I conclude that the Defendant is competent to stand trial and to assist in her defense.

IT IS ORDERED that the Defendant, Francesca Ramirez-Benito, is not "presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against

her or to assist properly in her defense” and therefore is competent to stand trial and assist in her defense.

DATED this 2nd day of July, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge